

MEMORANDUM

Department of Justice

TO: All Commissioners

AT Sacramento.

FROM: Executive Officer

DATE March 17, 1961

SUBJECT: Revised Agenda
Commission Meeting - March 29, 1961
10:00 A.M. - Conference Room 6
Biltmore Hotel, Los Angeles

1. Approval of minutes of February 7, 1961.
2. Approval of expense claims.
3. Financial report.
4. Board of Control Rule 718.
5. Pending from last meeting:
 - (a) Assistant to the Executive Officer
 - (b) Report on conditional certifications
 - (1) Bakersfield
 - (2) Orange County
 - (c) Commission policy for salary reimbursement.
6. Living cost per Section 13523 P.C.
7. Certification of schools.
8. Report of Sub-Committee on Legislation:
 - (a) S.B. 123
 - (b) Recommendation on revenue legislation.
9. Report of Assembly Interim Committee on Criminal Procedure.
10. Status report - Executive Officer.
11. Date, place and suggested agenda for next meeting.
12. Adjourn.

GENE S. MUEHLEISEN

11-24
State of California
Department of Justice
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

MINUTES

March 29, 1961
Los Angeles

The meeting was called to order by Chairman Ficklin at 10:00 A.M. A quorum was present:

LOHN R. FICKLIN, Chairman
MARTIN C. MC DONNELL, Vice Chairman
ROBERT T. ANDERSEN
HOWARD W. CAMPEN
ALLEN B. COTTAR
JAMES V. HICKS
DAN KELSAY
SAMUEL LEASK, JR.
ROBERT S. SEARES

Absent: GEORGE H. BRERETON

Also Present: GENE S. MUEHLEISEN, Executive Officer
MARY JEWETT, Stenographer, Attorney General's
Office, Los Angeles

SENATE CONFIRMATION OF COMMISSION APPOINTMENTS

The Executive Officer requested that the record reflect the following Commission appointments which were confirmed by the Senate on February 28, 1961:

Robert S. Seares,	for term ending	September 18, 1962.
Allen B. Cottar,	" " "	September 18, 1963.
Robert T. Andersen,	" " "	September 18, 1963.
Martin C. McDonnell,	" " "	September 18, 1963.

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of February 7, 1961, the Chairman declared the minutes approved as mailed to all Commissioners.

APPROVAL OF EXPENSE CLAIMS

The following travel expense claims of the Executive Officer were unanimously approved upon a motion by Cottar which was duly seconded.

Jan. 5 thru Feb. 2, 1961	Orange, L. A., Modesto, Redding, Fresno, Bakersfield, San Jose, Palo Alto and Anaheim	\$199.67
Feb. 6 thru 16, 1961	Burlingame, Monterey, Oxnard, Ventura, Oakland, San Francisco and Santa Rosa	\$118.11

FINANCIAL REPORT

Peace Officers' Training Fund Report for Month of February, 1961:

Revenue

Balance January 31, 1961	\$323,670.68
Revenue February	<u>26,868.77</u>

TOTAL REVENUE	\$350,539.45
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Expenditures

Salaries	\$ 1,749.00
Commissioner Expenses	435.91
Other Operating Expenses	<u>489.60</u>

TOTAL EXPENDITURES	<u>\$ 2,674.51</u>
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BALANCE FEBRUARY, 1961	<u>\$347,864.94</u>
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Estimate of Financial Status on June 30, 1961:

Revenue

Balance March 1, 1961	\$346,200.00 (Diff. due to funds in transit)
Revenue, estimated @ \$26,868.77 per month	<u>107,475.00</u>

TOTAL ESTIMATED REVENUE	\$453,675.00
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(Total Estimated Revenue - Carried fwd.)

\$453,675.00

Expenditures

Reimbursements encumbered

as of 3/14/61

\$51,354.88

Reimbursements, estimated

thru 6/30/61

50,000.00

Administrative Expenses,

estimated @ \$2,675.00

per month

10,698.00

TOTAL ESTIMATED EXPENDITURES

\$112,052.88

ESTIMATED BALANCE 6/30/61

\$341,622.12

With reference to the estimate of financial status on June 30, 1961, the Executive Officer reported that, in his opinion, the \$50,000 in reimbursements estimated through 6/30/61 is well cushioned and should be more than adequate to meet claims for that period.

REIMBURSEMENT FOR SUPERVISORY
AND ADMINISTRATIVE TRAINING

Chairman Ficklin briefly discussed the possibility of allocating funds for the training of officers at a higher level. He pointed out that the Commission should keep this in mind during the next year in anticipation of a decision in this area. It was noted that it would be necessary to change the Rules and Regulations if the training were extended.

A brief discussion was held as to whether the Commission should extend the period of recruit training or provide aid for supervisory training.

Kelsay suggested that the Commission consider increasing the revenue during the next legislative year to allow allocations for additional training.

BOARD OF CONTROL RULE 718

The Chairman discussed Board of Control Rule 718. If reimbursement is desired when city or county vehicles are used on Commission business, the rule requires the Commissioner to rent the official vehicle from his respective jurisdiction, pay the jurisdiction, obtain a receipt and then submit the receipt with a State travel expense claim for the rental.

The Chairman remarked that inquiries sent to the Board of Control by Ficklin and Andersen had apparently been misinterpreted; however, he recommended no further action at this time.

APPROVAL OF LOS ANGELES COUNTY ENTRANCE EXAMINATION

On December 7, 1960, the Commission directed the Executive Officer to request appropriate agencies to evaluate the Los Angeles County Civil Service Test administered in the employment of Deputy Sheriffs to determine whether or not it meets the requirements set forth in Section 1002 (a)(6) of the Rules and Regulations.

The Executive Officer reported that replies had been received from the State Personnel Board and the Los Angeles County Superintendent of Schools; that the results of the tests indicated an extremely high educational level; and that the reports of evaluation had been forwarded to each Commissioner for study.

A motion was made by Leask that the Los Angeles County Civil Service Test be approved as meeting the requirements set forth in Section 1002 (a)(6) of the Rules and Regulations. Seconded by Seares. Unanimously carried.

ASSISTANT TO THE EXECUTIVE OFFICER

The Executive Officer reported that the announcement for the examination had been mailed by the State Personnel Board and the last date to file an application is April 21, 1961. The written examination will be held on Saturday, May 13, 1961. The oral interviews will be held in June and the final list should be forwarded to the Commission during the latter part of June.

It was reported that only one member of the Commission, including the Executive Officer, could represent the Commission on the oral examination board.

Motion by Cottar that Chairman Ficklin represent the Commission during the oral examinations. The motion was amended by Andersen, designating Campen as the alternate in the event Ficklin is unable to attend. The motion and the amendment were duly seconded and unanimously carried.

Commissioner Andersen stated that, in view of the fact that the Executive Officer would be the appointing authority, he felt that it would be appropriate for a member of the Commission to be on the oral board rather than the Executive Officer. The Executive Officer questioned whether he was the appointing authority and the Commission advised that he was.

CONDITIONAL CERTIFICATIONS

Bakersfield Police Academy

It was reported that it has been verified that Lt. Edward Walls has been assigned as full-time training officer for the Bakersfield Police Academy. The appointment fulfills the conditional certification given by the Commission on December 7, 1960.

Orange County F.B.I. Zone School

It was also reported that the Orange County F.B.I. Zone School had fulfilled the conditional certification of February 7, 1961, by correcting the deficiency in the practical pistol course range.

Motion by Kelsay, seconded by Hicks, that the conditional certifications of the Bakersfield Police Academy as of December 7, 1960, and the Orange County F.B.I. Zone School, as of February 7, 1961, be made unconditional certifications. Carried unanimously.

COMMISSION POLICY FOR SALARY REIMBURSEMENT

At the Commission meeting of February 7, 1961, the Chairman entertained the following motion:

"The policy shall be that the employing jurisdiction shall be entitled to reimbursement in an amount not to exceed 50% of a trainee's earnings at straight time during 160 working hours, when said trainee has completed the prescribed course of training."

Commissioner Leask so moved, adding that the statement of policy be presented to the Attorney General to determine whether it meets the legal requirements and is a proper interpretation of Section 13523 of the Training Act. The motion was duly seconded and carried.

Mr. Momboisse advised that it is the opinion of the Attorney General's office that the statement of policy is a legal and proper interpretation of the appropriate section of 13523 P. C.

Andersen moved that the policy be adopted; seconded by Cottar; unanimously carried.

LIVING COSTS PER SECTION 13523 P. C.

The Executive Officer requested the Commission to set a policy on living expenses with reference to the length of time that would be permitted for reimbursement purposes. It was pointed out that certified schools in the State operate from four weeks to 15 weeks and the question was asked whether or not it is legal to reimburse for one-half of the living expenses beyond four weeks or the equivalence of 160 hours of training received at a maximum of eight hours per day on a five-day week.

It was further reported that a study had been made to determine how much money would be involved if payments were made for exactly one-half of the time required to complete an approved course anywhere in the State.

Based upon current encumbrances of approximately \$51,000, 12 out of 27 jurisdictions submitted claims for reimbursement beyond four weeks. The total difference amounted to only \$286.84.

A lengthy discussion followed, reviewing the many ramifications of reimbursement for necessary living costs.

Mr. Momboisse stated that he had reviewed the question and referred to the following opinion which had been provided to all Commissioners:

Letter from Mr. Momboisse to Mr. Muehleisen, Subject - Living Cost Per Section 13523, Penal Code, dated March 8, 1961:

"You have asked whether or not the Commission should reimburse living costs based upon 160 hours of training or whether the living costs based upon 160 hours of training or whether the living cost reimbursement is to be based upon the actual expenses irrespective of the length of time over which the training extends.

"The facts pointed out in your letter indicate that in order to comply with the Commission's requirement for 160 hours of training, it is often necessary to attend school for more than four weeks, as certain of the courses required by the Commission are given throughout a five week training period.

"The pertinent section involved is section 13523 of the Penal Code, which authorizes the Commission to reimburse the governmental unit which employs this officer to the extent of 'one-half of necessary living expenses incurred by such officer which are necessitated by training requiring that he be away from his residence over night'. This language clearly indicates that all of the necessary living expenses incurred by the officer and paid by his employer are subject to reimbursement. Thus, if the specified 160 hours are disbursed over a period of five or more weeks, the governmental unit is entitled to reimbursement for expenses incurred during that entire period."

Letter from Mr. Momboisse to Mr. Muehleisen, Subject - Penal Code section 13523, dated March 16, 1961:

"The distinction between reimbursement for salary and for expenses may be clarified by reviewing section 13523 of the Penal Code. In that section it is provided that the reimbursement for salary shall not exceed one-half of the salary paid. The employment of this language confers upon the Commission the power to set reimbursement for salary at a figure less than one-half of the salary paid. Contrast this to that portion of section 13523, which relates to living expenses. It provides that the governmental unit shall be reimbursed 'one-half of necessary living expenses incurred by such officer which are necessitated by training requiring that he be away from his residence over night.'"

"The Legislature did not state in dealing with living expenses that the amount of reimbursement was 'not to exceed' one-half, but specifically stated that the reimbursement should be one-half. In contrasting these two, the intent of the Legislature is clear. The Commission was given discretion to determine, up to one-half of the salary paid, what the reimbursement for salary expenditure should be, but were required to pay the full one-half of necessary living expenses."

Seares suggested that it may be necessary to amend the wording of the Training Act in the Penal Code in 1963 or revise our Rules and Regulations through the hearing process to clarify or establish a policy regarding reimbursement for living costs.

Chairman Ficklin, reflecting upon the opinion of the Attorney General's office, stated that "necessary" was the key word in the opinion and that the safeguard would lie in the discretion exercised by the local agency which must pay 50% of the costs and would, therefore, control the length of time

a trainee would be assigned to training away from his residence. He further suggested that the Commission continue to exercise surveillance over expenditures for living costs and take action or set policy in the event costs appear to be excessive.

It was further stated that in a legal opinion the Commission has been given the power to qualitatively define expenses.

Motion by Andersen, seconded by Cottar, that the discussion on living expenses be tabled. Carried unanimously.

CERTIFICATION OF SCHOOLS

The following schools were declared officially certified by the Commission. Each school was discussed individually. Following the discussion, a motion to certify was made, seconded and carried unanimously, for each of the following:

Beverly Hills Police School	c/o Police Department Beverly Hills, California
California Highway Patrol Academy	3100 Meadowview Rd. Sacramento, California
Compton Police Training School	c/o Police Department Compton, California
San Francisco Police Academy	37th & Fulton Streets San Francisco, California
Ventura College	4667 Telegraph Rd. Ventura, California

REPORT OF THE SUB-COMMITTEE ON LEGISLATION

Senate Bill 123

Commissioner Campen, Chairman of the Sub-Committee, reported on S.B. 123 and referred to the memo and letters prepared on the subject. See Attachments "A" and "B".

Campen also reviewed the opinions of the Audit Division of the State Controller's Office. Campen suggested that we continue to oppose the bill.

Motion by Andersen that the Executive Officer be authorized to appear before any and all committee hearings in opposition to S. B. 123 and if necessary, call upon the support of individual Commissioners.
Seconded by Campen. Unanimously carried.

Revenue Legislation

Campen briefly discussed the possibility of increasing our revenue at this session of the Legislature and recommended that there be no legislation sponsored to increase revenue during this session of the Legislature. He referred the Commission to the memo dated March 17, 1961, prepared by the Executive Officer on this subject. With permission of Sub-Chairman Campen, the Executive Officer stated he would disseminate the Sub-Committee memo on revenue legislation to all Commissioners.

REPORT OF THE ASSEMBLY INTERIM COMMITTEE ON CRIMINAL PROCEDURES

The Executive Officer referred to a memo dated February 27, 1961, which was forwarded to all Commissioners, subject - "1959-61 Report of the Assembly Interim Committee on Criminal Procedures." Within the report there is a reference to records of arrest and one of the recommendations of the Interim Committee stated, "That the Commission on Peace Officer Standards and Training place special emphasis in its training program upon the necessity to establish probable cause before making an arrest."

The Executive Officer emphasized that the last paragraph of the memo dated February 27 stated, "The Interim Committee's recommendation is covered from a technical and moral aspect in various courses, entitled Laws of Arrest, Search and Seizure, Juvenile Procedures, Law Enforcement Ethics, Criminal Law, Traffic Laws, and Human Relations." copy of the memo had been forwarded to Assemblyman John A. O'Connell, Chairman of the Interim Committee.

Following a discussion, it was the sense of the Commission that the subject had been adequately covered and no further communication was necessary.

STATUS REPORT OF THE EXECUTIVE OFFICEROrdinances Enacted

59 jurisdictions have enacted ordinances, including 49 cities and 10 counties. Applications for reimbursement have been received from 31 jurisdictions.

Claims for Reimbursement

Claims for reimbursement have been received from 10 jurisdictions.

Jurisdictions Which Meet the Standards

<u>Cities</u>	<u>Do</u>	<u>Population</u>	<u>% of Total Population</u>
	86	7,736,700	73.1%
	<u>Do Not</u>		
	224	2,857,485	26.9%
<u>Counties</u>	<u>Do</u>		
	13	2,515,250	55.8%
	<u>Do Not</u>		
	45	1,992,925	44.2%
<u>Total Jurisdictions</u>	<u>Do</u>		
	99	10,251,919	67.9%
	<u>Do Not</u>		
	270	4,850,410	32.1%

Jurisdictions which have raised standards since program started:

27	937,878	6.2%
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Comparison of New York Municipal Police Training Council and California Programs:

	<u>New York</u> (1st 6 mos.)	<u>California</u> (1st 4 mos.)
1. Total Trainees	199	229
2. Total Man Hours of Required Training (NY-80 hrs., Cal.-160 hrs.)	15,280	36,640
3. Total Jurisdictions Participating	62	26
4. Schools Participating	10	7

5. Budget	<u>New York</u>	<u>California</u>
Salaries	\$40,880	\$31,150
Gen. Opr. & Equip.	9,250	10,811 (Rent-\$2,061)
Travel	4,000	18,500
	<u>\$54,130</u>	<u>\$60,461</u>

School Programs Developed by the Commission

The following new programs have been developed through the cooperation of the Commission, local law enforcement advisory groups, Junior Colleges, and Peace Officers' Training.

The Northeastern California Peace Officers School	Shasta College Redding, California
Ventura College Basic Course	Ventura, California
San Jose City College Basic Course	San Jose, California
Redwood Empire Peace Officer Academy	Santa Rosa, California

Recruit Standard Inspections

The Executive Officer provided the Commission with copies of the new recruit standard verification check-list and discussed its application.

In the recruit standard inspections conducted to date, the most common deficiencies are:

1. Birth certificates have not been examined by the hiring agency.
2. Military discharges have not been examined to determine the type of discharge.
3. In a few cases the personal history investigation has not been adequate.

Commissioner Seares suggested that Chiefs of Police and Sheriffs be advised through Zone meetings or by direct mail that at some time during the coming year their recruit standards will be verified and they can expect to be asked the questions listed on the recruit standard check-off list. The Executive Officer stated he would develop a method to make the Chiefs and Sheriffs cognizant of the inspections.

Trainees Hired Prior to October 23, 1960

The Executive Officer reported that the legal question has been raised as to whether officers employed prior to October 23, 1960, are eligible to be claimed as trainees for aid under the program. He further reported that a portion of the applications received from the cities of Richmond and Riverside and the County of Riverside were tentatively rejected, pending clarification of the issue.

Various opinions were expressed by the Commission. Some were of the opinion that it could be legal to include officers who were employed as early as September, 1959, the date the training act became law. Other Commissioners were of the opinion that because the Rules and Regulations became effective on October 23, 1960, only those officers employed on or after that date could be claimed as trainees.

The Chairman was of the opinion that a trainee, hired according to the standards, who completed his training after October 23rd, would be eligible to be claimed as a trainee for aid. Motion by Campen that the Chairman, with the assistance of the Executive Officer, prepare a series of questions and hypothetical and factual cases and submit them to the Commission Counsel for opinions. Seconded by Andersen. Carried unanimously.

JOB TENURE OF OFFICERS TRAINED UNDER THE PROGRAM

Cottar raised the subject of the practice of providing peace officer training funds for trainees who failed to pass their probationary period and are terminated by the hiring authority.

Kelsay suggested that it may be desirable to wait until the trainee has completed the probationary period before issuing a certificate.

Other Commissioners voiced the opinion that we must follow the Rules and Regulations which require the issuance of a certificate upon completion of the basic course. Motion by Leask that the Commission review the experience of tenure of peace officers for whose training Commission funds were granted, and that the study cover the period of October, 1960, through October, 1961. Seconded by Andersen. Unanimously carried.

SURVEY BY ATTORNEY GENERAL'S OFFICE

The Executive Officer reported that 62 small cities have been incorporated since the League of California Cities conducted the 1958 survey which is used by the Commission as a major factor in evaluating the effectiveness of the program. He further stated that the Training and Education Committee of the Peace Officers' Association of California and the Attorney General's office were cooperating in conducting a survey to permit the Commission to integrate the new cities into our statistics.

The Executive Officer will represent the Commission at future meetings of the Survey Sub-Committee.

CERTIFICATES

The Executive Officer suggested that the following wording be used on the certificate to be issued under Section 1010 of the Rules and Regulations:

"The Commission on Peace Officer Standards and Training certifies that _____ was employed by the _____ in conformance with the standards prescribed by the Commission and on _____ completed the required basic training course offered at the _____."

Hicks moved that the above wording be used on certificates for completion of the basic course. Seconded by Kelsay. Carried unanimously.

Motion by Seares that an artist's drawing be prepared, using the new wording and that the proposed certificate be approved by the Executive Officer and the Chairman and thereafter be printed. Seconded by Kelsay. Carried unanimously.

TOPICS FOR FUTURE ACTION

Seares suggested that at a future meeting the Commission discuss whether or not it is practical to require a newly-hired officer to complete the 160 hours of the basic course if the man has received adequate training in another police department or college prior to his employment.

The Executive Officer stated that at some future date the Commission may also desire to discuss the possibility of conducting examinations in lieu of the 160 hours of training in cases where a recruit's record indicates

he has previously acquired adequate basic training.

DATE AND PLACE OF NEXT MEETING

Acting upon the invitation of Commissioner Cottar, the next meeting was scheduled for June 9, 1961, at Yreka.

The meeting was adjourned at approximately 3:30 P.M.

Respectfully submitted,


GENE S. MUEHLEISEN
Executive Officer

COPY

To: Commissioner Howard W. Campen
Chairman, Sub-Committee on Legislation

At: ... Sacramento

Date: February 23, 1961

From: Executive Officer

Subject: Senate Bill 123

During the meeting of February 7, the Executive Officer was directed to make the views of the Commission known to the sponsor of the bill and represent the Commission before any hearings.

The following action has been taken:

1. Individually typed letters have been forwarded to Sen. Edwin J. Regan, Chairman of the Senate Judiciary Committee, and the other 12 members of the Committee. (See enclosure). Sen. Virgil O'Sullivan, the sponsor of the bill, is a member of the Committee; and a personal letter was also directed to the Senator.

2. The bill was set for hearing on March 2nd, but has been taken off calendar at the request of the sponsor, Sen. O'Sullivan. I will appear at the hearing in the event the bill is rescheduled for hearing.

3. Continued liaison has been maintained with the League of California Cities, County Supervisors Association, California Tax Payers Association, Peace Officers Association, and PORAC. Bud Carpenter of the League is following this bill very closely and has had several personal talks with O'Sullivan. He has been advised that the bill was handed to Sen. O'Sullivan by one of his constituents, a Judge in Colusa County. The bill is not sponsored by the Judges, Marshals and Constables Association, as was previously reported. Sen. O'Sullivan has requested Carpenter to contact the Judge to induce him to request the sponsor to withdraw the bill.

It is believed that no further action is required at this time; however, the bill will be closely monitored by the Executive Officer in the event further action is desired.

GENE S. MUEHLEISEN

cc: Commissioners Andersen, Cottar,
Ficklin, Hicks, Kelsay, Leask,
McDonnell and Seares.

Messrs. Mosk, Brereton and Momboisse.

ATTACHMENT "A"

COPY

February 21, 1961

The Honorable Edwin J. Regan
Chairman of the Senate Judiciary Committee
State Capitol
Sacramento, California

Dear Senator Regan:

The Commission on Peace Officer Standards and Training wish to make their views known to you with reference to Senate Bill 123.

The establishment of minimum standards and training for Peace Officers in California is the result of a long struggle during the past 15 years by Peace Officers in this State to improve the quality of law enforcement at the local level.

Legislation proposed in 1957 to establish Peace Officer standards was defeated because the proposal would have established State mandated training, rather than voluntary training.

In 1959 the Commission on Peace Officer Standards and Training was created by a bill which proposed voluntary compliance and recognized the principle of "home rule". The bill received almost unanimous approval of the Legislature and was strongly supported by the League of California Cities, the County Supervisors Association of California, and all Peace Officer organizations in the State.

The Rules and Regulations of the Commission became effective on October 23, 1960, and since that date reaction from cities and counties has been immediate and encouraging. In the four months the standards have been in effect, over 50 cities and counties have passed ordinances complying with the standards. Twenty-two cities from this group were sub-standard; and, as a result of the program, have sharply increased their standards of recruiting and training to comply with the program.

Because the program is voluntary, its entire success depends upon continued good relations and support by local jurisdictions. Because S. B. 123 would reduce city and county revenues, it is anticipated the program would be undermined and local support withdrawn.

ATTACHMENT "B" -p. 1

The Honorable Edwin J. Regan
February 21, 1961
Page 2

The basic concept under which the Act was created is based upon the fact that a high percentage of cities and counties found it difficult to finance a Peace Officer's absence from duty for a period sufficient to administer adequate basic training. If S. B. 123 were passed, cities and counties who experienced budgetary recruitment and training limitations would be returned to their original problem. The concept of criminals and law violators providing financial aid to raise the level of competence of the California Peace Officer is believed to be a sound and direct form of taxation. The motivation of financial aid to local jurisdictions has proven to be a strong inducement to meet or exceed the local standards for recruitment and training.

While the sincere intent of the bill is recognized, our Commission is of the opinion that the derogatory effect of the bill would strongly outweigh its value.

It is requested that this letter be made a part of the records of the hearing conducted on this bill.

Respectfully yours,

GENE S. MUEHLEISEN
Executive Officer

(This letter was also written to the following members of the Senate Judiciary Committee: Senators Holmdahl, Arnold, Cameron, Christensen, Cobey, Dolwig, Farr, Fisher, Grunsky, Rattigan, and Shaw. Separate similar letter to Sen. O'Sullivan.)

ATTACHMENT "B" - p. 2